

### REMARKS

Applicant appreciates the Examiner's indication that claims 4, 6-23, 25-34, and 24/4,6-23, 25-34 have been allowed. Applicant also appreciates the Examiner's indication that claims 35-42 and 24/35-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. To expedite the prosecution of this application claims 35-42 have been rewritten in independent form. Applicant believes the foregoing amendments comply with requirements of form and thus may be entered under 37 C.F.R. § 1.116(a) as presenting rejected claims in better form for consideration on appeal. Alternatively, to the extent any of these amendments are deemed to touch the merits, then entry is requested under 37 C.F.R. § 1.116(b). These amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action. Marked up versions of the amended claims are attached hereto pursuant to 37 C.F.R. § 1.121(c)(ii). Claims 2-43 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

#### Claim 5

Claim 5 was rejected as being anticipated by Pham et al. (USPN 6,189,999).

Applicant respectfully submits that Pham fails to teach or suggest "a flat plate form second wiping member," as required by amended claim 5. For example, as shown in FIG. 5 of Pham, scraper body 122 has a pair of ramped surfaces including an interior or inboard surface 124 and an exterior or outboard surface 126, which together act as a pair of scraper members. Clearly, the scraper body 122 is not "a flat plate form," as required by claim 5.

Applicant also respectfully submits that Pham fails to teach or suggest that "a tip end surface of said first wiping member first comes in substantially perpendicular contact with a side surface of said second wiping member," as required by amended claim 5. As shown in FIG. 5 of Pham, scraper body 122 has a pair of ramped surfaces 124, 126 that are acutely angled with respect to the scraper body 122. Col. 10, lines 7-14. Therefore, Applicant submits that wiper blade 90 does not come "in substantially perpendicular contact with" exterior surface 126 of the scraper body 122. Thus, Pham fails to teach or suggest that "a tip end surface of said first wiping member first comes in substantially perpendicular contact with a side surface of said second wiping member," as required by amended claim 5.

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2D table  
contact

Accordingly, claim 5 is patentable over Pham for at least these reasons, and the rejection under 35 U.S.C. 102(b) should be withdrawn. Dependent claims 2, 3 and 42/2, 3, 5 are also patentable at least by virtue of their dependency from claim 5, and also because those claims describe additional novel elements and features that are not described in the prior art. For example, claim 3 requires "a third wiping member which is able to contact with said second wiping member while said cleaner lever is moving." Applicant respectfully submits that Pham fails to teach or suggest this feature.

Applicant believes the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P. ✓

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Version with markings to show changes made:

IN THE CLAIMS:

35. (Amended) [A cleaning device as set forth in claim 5] A cleaning device for cleaning a nozzle surface of an ink-jet head, comprising:

a first wiping member for wiping said nozzle surface;

a cleaner lever for supporting said first wiping member;

a lever driving mechanism moving said first wiping member between a retracted position located away from said nozzle surface and a wiping position for wiping said nozzle surface; and

a flat plate form second wiping member formed of an elastic body arranged within a moving path of said first wiping member so as to contact with said first wiping member;

wherein a tip end surface of said first wiping member first comes in substantially perpendicular contact with a side surface of said second wiping member and then moves across said side surface,

wherein said lever driving mechanism includes:

a rotary driving source;

a gear train to be driven by said rotary driving source;

a friction type clutch lever which is frictionally engaged with one of gears constituting said gear train by means of a predetermined biasing force and is arranged coaxially with said gear;

a first cam mechanism for converting rotation of said clutch lever into movement of said cleaner lever; and

a tooth portion formed on said clutch lever which engages with said gear train when said clutch lever is in a predetermined rotational angular range.